

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2021 SEP 30 P 2:03

PIERRE C. SCOTT,

Plaintiff,

v.

CV 321-037

MS. WILLIAMSON, Lt. Disciplinary Officer;)
WARDEN VANCE LAUGHLIN; JENNIFER)
CLARK, State Contract Monitor; MR.)
LEMON, Cpt. Shift Supervisor/Classification)
Committee; DONOVAN HAMILTON,)
Deputy Warden Care & Treatment; MR.)
HORNE, Chief of Security/Classification)
Committee; JUANITA ADKINS, Unit)
Manager 700 Unit; MR. POWELL, Lead)
Investigator; MS. WESLEY, Case Manager)
300 Unit/Classification Committee; MS.)
HAROLD, Assistant Chief of Security; MR.)
DANFORT, Former Deputy Warden; JOY)
SCOTT, Grievance Coordinator; and, CPT.)
FAISON,)

Defendants.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation ("R&R"), to which objections have been filed. (Doc. no. 12.) For the first time in his objections, Plaintiff alleges his placement in the Tier Segregation Program imposed atypical and significant hardships because of restrictions concerning visitation rights, phone privileges, shower access, computer and library usage, and hygienic products. (*Id.*)

While courts have the discretion to consider novel evidence, factual claims, and legal argument raised for the first time in an objection to an R&R, they are under no obligation to do so. Frone v. JP Morgan Chase & Co., 695 F. App'x 468, 472 (11th Cir. 2017) (concluding district judge has broad discretion in considering argument not presented to magistrate judge); Williams v. McNeil, 557 F.3d 1287, 1292 (11th Cir. 2009) (same). The Court chooses not to consider new allegations made after the R&R. Even if the Court did consider them, dismissal is still warranted because the alleged limitations do not constitute atypical or significant hardships. See Smith v. Deemer, 641 F. App'x 865, 868 (11th Cir. 2016) (noting hardship must be for significant period and severe relative to regular prison, not merely inconvenient).

Accordingly, the Court **OVERRRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge, as its opinion, **DISMISSES** Plaintiff's complaint without prejudice for failure to state a claim upon which relief can be granted, and **CLOSES** this case.

SO ORDERED this 30th day of September 2021, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE